

Office of Financial Institutions
WORKER'S COMPENSATION AND YOU

I. INTRODUCTION

The Louisiana Worker's Compensation Law, as amended and adopted through the Louisiana First Extraordinary Legislative Session of 1983 provides medical benefits and replacement for part of lost wages to employees who are disabled because of occupational injury or disease in the course and scope of their employment.

Employers who have one or more employees working for them are required to have worker's compensation insurance, either through an insurance company or through a self-insurance program. That insurance coverage must be provided for all employees at no cost to them.

This booklet is designed to give you some basic information about the Louisiana worker's compensation benefits, employee's rights, employee's responsibilities, employers responsibilities, insurer's responsibilities, and sources of additional information and help.

If you have a question about the program or a problem with getting worker's compensation benefits, or if you have a question regarding an interpretation of the Worker's Compensation Law, you should call the Office of Risk Management at this toll-free number: 1-800-272-3051 or area code 225-925-4830. The Office of Risk Management will answer any questions you might have. You may also contact the Department of Labor, Office of Worker's Compensation at 1-800-824-4592 or area code 225-925-4563.

*This booklet is for information purposes only and does not necessarily have the full effect of law and/or regulations.

II. EMPLOYEES RIGHTS

A. Under the Louisiana Worker's Compensation Law, your employer's policy and procedure, or the Office of Risk Management, you have the right to

1. Information from Department of Labor, Office of Worker's Compensation concerning the 1983 Law.
2. Insurance protection in case of job-related injury or disease, beginning with your FIRST DAY on the job.
3. Prompt payment of benefits provided by the law.

4. Periodic reports on the status of your claim from the Office of Risk Management and your employer.
5. Copies of any medical reports you request.
6. Assistance from the Office of Risk Management, including complete information about your claim.
7. You may file an Employer's Report of Occupational Injury or Disease directly to the Department of Labor, Office of Worker's Compensation in the event your employer fails to file claim in your behalf.
8. You are entitled to rehabilitation benefits.
9. You are entitled to medical treatment from any physician of your choice.

III. EMPLOYEE'S RESPONSIBILITIES

A. In order to receive worker's compensation benefits, you must...

1. Promptly report your job-related injury or illness to your employer. Must be reported within 30 days by law.
2. Use the doctor chosen by the employer or the Office of Risk Management for examination.
3. Must obtain medical treatment within the State unless it is unavailable.
4. In case of a claim dispute, you must file form DA-WC 1008 with the Department of Labor, Office of Worker's Compensation before suit may be filed.
5. Must cooperate with any rehabilitation program.
6. On request, report any earnings you have, including social security benefits and unemployment compensation benefits.
7. Provide your employer or the Office of Risk Management with all receipts for medical costs that relate to an on-the-job injury or disease.

IV. EMPLOYERS' RESPONSIBILITIES

A. In order to comply with the worker's compensation law, the employer must...

1. Post Employee Notice of Compliance at some convenient and conspicuous point about the place of business.
2. Report all injuries or disease on an Employer's Report of Occupational Injury or Disease to the Office of Risk Management within fourteen (14) calendar days.
3. Report all lost time claims to the Department of Labor, Office of Worker's Compensation within ten (10) days of actual knowledge of injury or disease resulting in death or in lost time in excess of one week after the injury. (Note: failure to comply will result in a \$100 fine for each occurrence.) Also, submit a supplemental form to the Office of Risk Management.
4. Report all injury and disease on OSHA 200 form quarterly to the Department of Labor, Office of Worker's Compensation.
5. Must have a safety plan. Every employer of more than 15 people is required to have on his premises a working and operational safety plan. This plan must be made available for inspection by the Director of the Office of Worker's Compensation Administration upon request.

V. INSURER'S RESPONSIBILITIES

- A. It is the responsibility of the insurer to
 1. Pay benefits to injured employees within fourteen (14) days from the date of knowledge of injury resulting in loss of income for more than seven (7) days.
 2. Send compensation benefits to the agency personnel officer unless otherwise directed.
 3. Pay all medical expenses associated with treatment or injury or disease.
 4. Determine if employee injury or disease is job related.

VI. MEDICAL BENEFITS

- A. Worker's Compensation will pay the following reasonably and necessarily incurred costs resulting from a job-related injury or disease:

1. Medical, surgical, or hospital care, eyeglass and prosthetic devices.
2. Rehabilitation and training in preparation for your return to work (in case of severe injury) at the discretion of the Office of Risk Management.
3. Reasonably and necessarily incurred travel costs associated with going to and from the doctor, the hospital or the rehabilitation or training location. (In order to receive travel reimbursements, you should provide your employer or the Office of Risk Management with information about the date of travel, the mileage and the reason for the trip.) Reimbursement for these costs will be paid at a rate of not less than 16 cents a mile if you use a private automobile.
4. All medical treatment must be obtained in Louisiana unless available.

VII. REHABILITATION BENEFITS

- A. When an employee have suffered an injury which precludes the employee from earning average wages equal to wages earned prior to the injury, the employee shall be entitled to prompt rehabilitation services.
- B. Rehabilitation services shall be performed at facilities within the state when such facilities are available. Refusal to accept rehabilitation as deemed necessary by the director of the Office of Worker's Compensation or the court shall result in a fifty percent reduction in weekly compensation, including supplemental earnings benefits for each week of the period of refusal.

VIII. CASH BENEFITS

- A. If you cannot work because of a job-related injury or disease, and if your injury or disease disables you for more than seven days, you are entitled to cash payments to replace part of your lost wages. The amount of money you receive depends on your average weekly wage at the time you are injured or become ill, the severity of the disability, and whether you receive other benefits, such as unemployment compensation and social security payments.
- B. The maximum weekly worker's compensation benefit is 66 2/3% of your weekly wage up to the maximum set by law.
- C. The Office of Risk Management can help you determine the amount of cash payments you should receive.

IX. BENEFITS FOR DISABILITY

- A. Disability benefits under the Louisiana Worker's Compensation Law fall into five categories, I.E., temporary total, permanent total, permanent partial, supplemental income and death.
- B. It should be noted at this time that no benefits are payable for a disability which lasts for one week or less. In order for the first week's disability to be compensable, the period of disability must exceed 41 days and after the 41st day, the insurer is required to pay for the first week.
- C. Benefits for total disability are payable as long as the disability exists.

X. DEATH BENEFITS

- A. The worker's compensation law provides benefits for death of an employee arising out and in the course and scope of his employment. These benefits, as are benefits for disability, are subject to the weekly maximum. It is a requirement that the injury must cause death within two years after the accident.
- B. Benefits are payable for the following periods:
 - 1. A surviving spouse for life or until remarriage.
 - 2. However, in the event of remarriage, two years benefits are payable in a lump sum.
 - 3. A minor dependent until age 18 or until age 23 enrolled and attending as a full time student in any accredited educational institution.
 - 4. A dependent physically or mentally incapacitated from earning as long as such incapacity exists.
 - 5. All other dependents receive benefits as long as their dependency shall exist or until death.
 - 6. Funeral expenses will be paid up to \$3,000.00
- C. If death occurs and there are no dependent survivors, the surviving parents shall each receive a lump sum payment of \$20,000.00.

- D. Death benefits to the surviving spouse begin at 32 ½% of wages, up to a total of 65% of wages in case of multiple dependents. However, it must be understood that these benefits are subject to the maximum and minimum prescribed by law.

XI. CONCLUSION

This pamphlet is for informational purposes only and does not necessarily have the full effect of law and/or regulations. It is a brief outline of the Louisiana worker's Compensation Law. Hopefully we have made you more knowledgeable of your rights under the law.